

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

AMERICAN RAILCAR INDUSTRIES

Employer

and

CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL
UNION NO. 238, affiliated with the INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

Petitioner

Case 18-RC-16410

SUPPLEMENTAL DECISION AND ORDER

On February 18, 1999, I issued a Decision and Direction of Election on the basis that the Employer's planned closure of its Cedar Rapids operation was not imminent. On February 23, 1999, the Employer filed its Motion for Reconsideration, stating that, because of conditions postdating my Decision and Direction of Election, it would close its Cedar Rapids facility effective March 19, 1999. By letter of February 23, 1999, I informed Petitioner that I intended to dismiss the petition subject to reinstatement, absent evidence that the Employer's planned closure of its Cedar Rapids facility was either not imminent or not definite (Attachment A).

On February 25, 1999, I received a response to my letter to Petitioner (Attachment B). Essentially, Petitioner speculates in its letter that should the Employer continue to operate after March 19, it would be with a substantially different work force, which would prejudice its chances of winning any future election should it seek to

reinstate the petition. Petitioner presented no evidence either that closure was not imminent or not definite, as had been requested.

As it appears that closure of the Cedar Rapids facility is both imminent and definite, I hereby revoke my original Decision and Direction of Election and dismiss the petition subject to reinstatement upon a timely request by Petitioner in the event the Cedar Rapids facility does not close as planned.¹

Dated at Minneapolis, Minnesota, this 25th day of February, 1999.

/s/ Ronald M. Sharp

Ronald M. Sharp, Regional Director
Eighteenth Region
National Labor Relations Board

Index # 420-7900-7975

¹ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by March 11, 1999.